IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 389 OF 2006
IN
CRIMINAL WRIT PETITION NO. 2035 OF 2006

Shri Anil Deepchand Rajpal. ... Applicant.
Versus.
The State of Maharashtra and anr. ... Resondents.

Mrs.S.A.Mudbidri for the Applicant.

Ms.S.V.Gajare, A.P.P. for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 13th October, 2006.

P.C.:

1. In the main writ petition challenging the order of externment, Rule has been issued. Liberty was granted to take out a separate Application for interim relief. The submission of the learned Advocate for the Applicant is that the order of externment which relates to the Districts of Mumbai, Mumbai Suburban, Thane and Raigad is excessive inasmuch as all the prejudicial activities of the Applicant are confined to the District of Mumbai. It is submitted that the Appellate Authority has also found the order to be excessive. However, instead of setting aside the order, the same has been confined to three Districts. It is contended that if the order is clearly excessive, it cannot be modified and will have to be set aside. Reliance is placed on the decision in the case of Ganpat @ Ganesh Tanaji Katare v/s. Assistant Commissioner of Police & others,

(2005 ALL M.R. (Cri.) page 2717). Prima facie, there appears to be substance in the submission made by the learned Advocate for the Applicant. It is submitted that the Applicant has a family in Mumbai, and the family completely depends on him. The main writ petition is already made returnable on 17th November 2006. Considering facts and circumstances of the case, a limited interim relief deserves to be granted.

2. Hence the Application is disposed of by the following order is passed:

i) The Applicant is permitted to enter the City of Mumbai, (except the area falling within the jurisdiction of RCF Police Station) for the period between 20th October 2006 to 30th October 2006 (both days inclusive) subject to condition that on every day the Applicant will mark attendance with the Chembur Police Station, Mumbai.

ii) Parties to act on an authenticated copy of this order.

Judge.